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Paper No. 12

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In re Application of:  
NIELSEN  
Application No. 08/865,841  
Filed: May 30, 1997

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) Director's Office  
) Group 2700  
)  
)

For: ADAPTIVE META-TAGGING OF  
WEBSITES

) DECISION ON PETITION  
) UNDER 37 CFR §1.181


This is a decision on the petition filed October 21, 1999, requesting that the Examiner's Answer be corrected to indicate that claims 1-26 do not stand or fall together.

The instant application is under Appeal to the Board of Patent Appeals and Interferences.

On July 19, 1999, the appellant filed an Appeal Brief (Paper No. 9) stating that claims 1-26 do not stand or fall together. In the brief, the appellant provided arguments why each of the claims 1-26 are patentable over the prior art in accordance with 37 CFR §1.192(c)(8)(iii). On July 28, 1999, the examiner issued the examiner's answer (Paper No. 10), indicating that the claims stand or fall together because the "appellant's briefs does not include a statement that this grouping of claims does not stand or fall together and *reasons in support thereof*." (Italics in original)

The appellant stated that the claims of the group do not stand or fall together and provided reasons why the claims are separately patentable in the arguments found on pages 7-13 of the brief.

Therefore, the petition to invoke the supervisory authority of the Commissioner under 37 CFR §1.181 to correct the examiner's answer to indicate that claims 1-26 do not stand or fall together is **GRANTED**. The case is being returned to the examiner to issue a corrected examiner's answer.

  
Gerald Goldberg, Director  
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